



State of New Jersey
DEPARTMENT OF HEALTH AND SENIOR SERVICES
OFFICE OF EMERGENCY MEDICAL SERVICES
PO BOX 360
TRENTON, N.J. 08625-0360

CHRISTINE TODD WHITMAN
Governor

www.state.nj.us/health

CHRISTINE GRANT, J.D., M.B.A.
Commissioner

January 18, 2001

Mr. Vincent Robbins
MONOC
151 Industrial Way East, Bldg. C
Eatontown, NJ 07724

Re: **Notice of Proposed Assessment of Penalties:**
Basic Life Support Ambulance Service Provider
Investigation Control #00-B-126

Dear Mr. Robbins:

The New Jersey Department of Health and Senior Services is vested with the responsibility of carrying out the provisions of the Health Care Facilities Planning Act, N.J.S.A. 26:2H-1, et seq., which was enacted, in part, to ensure that hospital and related health care services rendered in the State of New Jersey are of the highest quality. As defined at N.J.S.A. 26:2H-2b, health care services include non-volunteer basic life support (BLS) ambulance providers such as MONOC. In furtherance of the objectives set forth in the statute, the Department of Health and Senior Services adopted regulations that govern the licensure and survey of BLS ambulance service providers and their vehicles. See, N.J.A.C. 8:40-1.1, et seq.

On October 3, 2000, staff of this Department's Office of Emergency Medical Services (OEMS) received an anonymous complaint alleging that Mr. Brian Farry had been unlawfully functioning in the role of an EMT-Basic while employed by MONOC. In response to that complaint, OEMS staff conducted an investigation into the matter. Specifically, staff found that Mr. Farry was hired as a per diem EMT-Basic with MONOC on November 14, 1999. Subsequently on November 28, 1999, Mr. Farry's status changed from per diem to full time. In addition, the investigation revealed that Mr. Farry acted in the capacity and performed the duties of an EMT-Basic on at least 115 days during the period from December 3, 1999 through October 2, 2000. A listing of the specific dates on which Mr. Farry performed as an EMT-Basic while employed by MONOC is attached for your review. It is my understanding that Mr. Farry's employment with MONOC was terminated effective October 6, 2000.



NEW JERSEY
Many Faces. One Family.

As you should be aware, this office has never certified Mr. Farry as an EMT-Basic. In fact, Mr. Farry has twice failed the State's written EMT-Basic examination (i.e., on December 22, 1998 and May 13, 1999). As a licensed provider of BLS services, it is your responsibility to ensure that the individuals that you employ do, in fact, meet New Jersey's certification requirements prior to allowing those individuals to serve on your vehicles. It is my understanding that MONOC utilizes the services of Dateline Verification Company (Dateline) of Parsippany, New Jersey to perform background checks and certification verification and that in the case of Mr. Farry, Dateline did not actually verify Mr. Farry's certification with OEMS. However, although Dateline may not have fulfilled the terms of its contract with MONOC, the ultimate responsibility for verification of the certification of its employees rests with the licensee (i.e., MONOC). Therefore, please be advised that I am holding MONOC accountable for its role in allowing Mr. Farry to serve as an EMT-Basic and to render care to patients without the benefit of EMT-Basic certification as issued by the New Jersey Department of Health and Senior Services. Specifically, I find that MONOC has violated the following regulations:

N.J.A.C. 8:40-3.7(c), which provides:

Each person who provides patient care (as part of any service licensed under Chapter 40) shall possess a license, registration, certification or training certificate valid in the State of New Jersey for the type or level of patient care he or she is providing. No person shall be allowed to provide a type or level of patient care beyond the level he or she is lawfully eligible to provide in the State of New Jersey; and

N.J.A.C. 8:40-3.7(h)1, which provides:

(h). When in-service, each Emergency Ambulance vehicle shall be staffed by at least two persons (including anytime the vehicle is used as a Mobility Assistance Vehicle) who shall meet the requirements of (a) and (b) above. Staff persons of a hospital or of another agency who accompany a patient need not meet the requirements of (a) and (b) above.

1. Each of the required staff persons shall possess current valid certification as an Emergency Medical Technician, issued or recognized by the Department.

Pursuant to N.J.S.A. 26:2H-14 and N.J.A.C. 8:40-2.14(b), violations shall be considered as a single, different occurrence for each calendar day the violation occurs or remains uncorrected, and the Department may impose a penalty of not more than \$2,500.00 per day for each violation. Therefore, in accordance with N.J.S.A. 26:2H-14, N.J.A.C. 8:40-2.14(b) and N.J.A.C. 8:40-2.14(e)3 (which provides for a fine of \$500.00 per violation per day of any regulation found at N.J.A.C. 8:40-3.7), you are hereby assessed a penalty of \$500.00 for each day that you allowed Mr. Farry to work without benefit of EMT-Basic certification, in violation of N.J.A.C. 8:40-3.7(c) and N.J.A.C. 8:40-3.7(h)1 (i.e., 115 days x \$1,000.00 per day), for a total penalty in the amount of \$115,000.00.

A certified check or money order in the amount of \$115,000.00, made payable to "Treasurer, State of New Jersey," must be submitted within 30 days from the date of this Notice (i.e., by February 17, 2001). In accordance with N.J.S.A. 26:2H-16 and N.J.A.C. 8:40-2.14(f), failure to pay this penalty may result in a summary civil proceeding in the Superior Court of New Jersey pursuant to the Penalty Enforcement Law (N.J.S. 2A:58-1, et seq.), refusal by the Department to issue or renew a license and/or any such other action as authorized by law. Payment should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Emergency Medical Services
P.O. Box 360
Trenton, NJ 08625-0360
Attn: Ms. Darcy Saunders

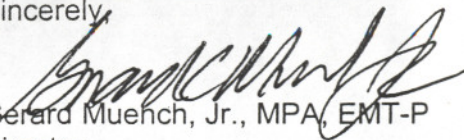
Pursuant to N.J.S.A. 26:2H-13 and N.J.A.C. 8:40-2.15, you are entitled to a hearing before the Office of Administrative Law to contest this proposed penalty assessment. Your request for a hearing on this matter must be submitted in writing and must be accompanied by a response to each of the charges noted above. In the event that you request a hearing, this penalty shall be held in abeyance until such time as the hearing has been concluded and a final decision has been rendered.

Your request for a hearing must be submitted within 30 days from the date of this Notice (i.e., by February 17, 2001), and should be forwarded to:

New Jersey Department of Health & Senior Services
Office of Legal & Regulatory Affairs
P.O. Box 360, Room 805
Trenton, NJ 08625-0360
Attn: Mrs. Carole Slimm

Please include the control number noted above (i.e., #00-B-126) on all of your correspondence. **Finally, please note that failure to submit a request for a hearing by February 17, 2001 shall render this Notice final, and the entire \$115,000.00 shall be immediately due and payable.** If you have any questions concerning this matter, please do not hesitate to contact Mr. James Mondoro or Ms. Darcy Saunders of my office at (609) 633-7777.

Sincerely,



Gerard Muench, Jr., MPA, EMT-P
Director

Office of Emergency Medical Services

c: Mrs. Slimm, L&RA
Ms. Way, OEMS
Ms. Halupke, OEMS
Mr. Dinetz, OEMS
Mr. Mondoro, OEMS
Ms. Saunders, OEMS

REGULAR U.S. MAIL AND
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